

REMARKS

In response to the above identified Office Action, Applicants respectfully request reconsideration thereof.

Response to Claim Rejections – 35 USC § 102

Claims 25-39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent no. 5,875,422 (hereinafter Eslambolchi).

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Applicants respectfully traverse the rejection of claims 25-39 under 35 U.S.C. § 102(e) for the reason that Eslambolchi does not disclose each and every limitation of claim 25 of the present application.

Claim 25 includes the following limitation:

...treating at least one called party differently from other called parties based on information associated with multiple called parties.

The Office Action, in rejecting claim 25, contends that the above limitation is anticipated by the following disclosure in Eslambolchi:

Additionally, the network 10 could easily provide language translation for several callers on a single call. To that end, the calling party.... Enters each called party's number.... Thereafter, the calling party enters the language translation preference for the speech received from called parties....

Thus, the calling party may desire to receive the call from one called party in English while choosing to hear the call from another called party in a different language.

Col. 4, lines 14-30.

The above quote from Eslambolchi describes a network 10 that translates language that is spoken by several called parties. The calling party enters a number and a language preference for each called party. In response, the network 10 translates each called party's speech into the language preferred by the calling party.

Claim 25 requires treating at least one called party differently from other called parties based on information associated with multiple called parties. For example, a preponderance of called parties that respond to a question by hanging up may result in treating the next called party differently (e.g., asking a different question). In contrast, the above quote from Eslambolchi describes translating the speech of a called party based on a language preference *for the called party*. Clearly the language preference for the called party is not based on information associated with the other called parties. Eslambolchi therefore cannot be said to anticipate the above quoted limitation because Eslambolchi describes translating the speech of a called party based the language preference *for the called party* and claim 25 requires treating at least one called party differently based on information associated with multiple called parties.

In summary, Eslambolchi does not disclose each and every limitation of claim 25, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 38 and 39 each include a limitation corresponding substantially to the above-discussed limitation of claim 25. The above remarks are

accordingly also applicable to a consideration of these independent claims.

Accordingly, Applicants request that the above remarks and amendments contained herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 26-37 under 35 U.S.C. § 102(e) is also addressed by the above remarks.


In summary, Applicants believe that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicants furthermore believe that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

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